

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO.: 00-CR-048-23(JAF)

**DANNY ORTIZ-PEREZ
a/k/a: "Pelusan"**

**MOTION NOTIFYING VIOLATION OF THE CONDITIONS OF SUPERVISION
AND
REQUEST FOR A SUPERVISED RELEASE TERM EXTENSION**

**TO THE HONORABLE JOSE A. FUSTE
CHIEF UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, NORMA RIVERA-ROCHET, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of the offender, Danny Ortiz-Pérez, who was sentenced on April 5, 2001, to sixty (60) months of imprisonment after pleading guilty of violating Title 21, U.S. Code, Section 846. A four (4) year supervised release term was imposed. Mr. Ortiz-Pérez was released on July 27, 2004, at which his supervision term commenced.

A Motion filed by the U. S. Probation Officer on May 21st, 2007, notifying violations of supervised release conditions (Docket NO. 991) was noted by the Court (Docket NO. 992) and "...defendant ... reprimanded and advised that any further violations shall be the object of a revocation hearing." Hence, Mr. Ortiz-Peréz has incurred in additional non-compliant behavior as herein set forth.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS
FOLLOWS:**

**VIOLATION OF STANDARD CONDITION NO. 2: “ THE DEFENDANT SHALL
REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND
COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH”.**

Mr. Ortiz-Pérez has once again incurred in repeatedly failing to submit the monthly supervision reports. As of the filing of this Motion, the reports for June through December 2007, and January 2008 have not been submitted.

**VIOLATION OF CONDITION NO. 6: “THE DEFENDANT SHALL NOTIFY THE
PROBATION OFFICER AT LEAST TEN DAYS PRIOR TO ANY CHANGE IN
RESIDENCE...”**

During a community interview held with Mr. Ortiz-Pérez on January 26, 2008, he readily admitted that he knowingly failed to notify his probation officer of a change in his home address.

**VIOLATION OF SPECIAL CONDITION: “THE DEFENDANT SHALL REFRAIN
FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCES...”**

During community contact established with Mr. Ortiz-Pérez on January 26, 2008, he admitted to drug use relapse by having used marijuana and cocaine on at least two separate occasions. In addition to voluntarily signing an admission form, the T-Cup device confirmed drug use.

Mr. Ortiz-Pérez posed no objection to receiving assistance to ensure that his drug use does not escalate and that he is able to abstain from any additional use of any substance. As such, as of January 29, 2008, he was enrolled in the Code a Phone Program

as well as referred to an out-patient drug free treatment program, to wit, Consultores Psicológicos de Puerto Rico.

The Court is respectfully requested to, in addition to the violations herein addressed, consider subject's overall behavior to include, voluntary admission to drug use, disposition to participate in the Code a Phone Program and receive drug treatment, employment stability, as well as his voluntary waiver of a hearing to modify conditions by extending supervised release seven (7) months. As such, it is prayed that the Court allow Mr. Ortiz-Pérez to continue on supervision as long as he remains drug free, does not incur in further violations, and complies with drug treatment.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct, and we request that this defendant be sternly reprimanded and allowed but yet a second opportunity with a seven (7)month extension changing the expiration date from July 26, 2008 to February 26, 2009 . If granted, any further violations will be immediately notified and the defendant thereupon to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 6th day of February , 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Norma Rivera-Rochet
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evn

CERTIFICATE OF SERVICE

I HEREBY certify that I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Rosa E. Vélez-Rodríguez, U.S. Attorney, and Michael Corona, Esquire.

At San Juan, Puerto Rico, this 6th day of February, 2008.

s/Norma Rivera-Rochet

Norma Rivera-Rochet

U.S. Probation Officer

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